

**To:** Erin Foresman/R9/USEPA/US@EPA[]  
**From:** "Nepstad, Michael G SPK"  
**Sent:** Tue 9/20/2011 6:46:01 PM  
**Subject:** FW: An 408 and NEPA question (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

FYI. Just for your situational awareness, our needs for our 408 program may drive the requirement for a higher level of detail (design/engineering and analysis) into the draft and final EIR/EIS than DWR was planning to do.

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-----Original Message-----

From: Turner, Claire Marie SPK  
Sent: Tuesday, September 13, 2011 10:01 AM  
To: Nagy, Meegan G SPK; Nepstad, Michael G SPK  
Subject: RE: An 408 and NEPA question (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

I agree.

The requirements for level of detail in the NEPA document are not changed by Section 408. And, because alternatives have to be screened/compared at the same level of detail, they are generally based on the 30 percent as the non-preferred alternatives are not brought up to 60% designs.

However, description and analysis of the preferred alternative must be sufficient to cover what would occur under the 60 percent design and ultimately the final project. So I would say that they are screened at the 30 % and for the no-action comparison, more detail is used on the preferred

(60%) such that have sufficient NEPA coverage.

Ultimately, the document needs to adequately describe the project and the impacts -- no different than any other document. The same rules apply for supplemental and recircs -- review the changes, and under the rules of NEPA determine the appropriate path forward (supplement, MFR, recirc, etc.)

A few side points - If you want more detail on how we actually accomplish our NEPA compliance let me know. As Meegan mentioned below regarding worst-case, I will note that it is generally inefficient to do this and perform environmental analysis at the same time as engineering (designs are changing), but effective for what the sponsor is trying to do.

I do not believe that by law, the NEPA document analysis must match your design level. But at the end of the day, that NEPA document needs to support your final project.

Does that help?

-----Original Message-----

From: Nagy, Meegan G SPK  
Sent: Monday, September 12, 2011 7:56 PM  
To: Nepstad, Michael G SPK  
Cc: Turner, Claire Marie SPK  
Subject: RE: An 408 and NEPA question (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

I would say it depends. We need a CVFPB request letter to issue a draft EIS. They typically require 60% designs so they would have to issue an exception. In addition, that's a big risk. Hydraulic impacts definitely need to be in the EIS. They may be done to a lesser degree but if the final hydraulics show more impacts then we would need to recirculate. Same with engineering. They would have to assume the worst case scenario and analyze based on that. We had a recent situation where we held back issuing the draft NEPA doc because some engineering was going to change the NEPA analysis that had been done.

CMT - Correct me if I'm wrong in any of this.

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-----Original Message-----

From: Nepstad, Michael G SPK  
Sent: Friday, September 09, 2011 2:12 PM  
To: Nagy, Meegan G SPK

Subject: An 408 and NEPA question (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

I understand that you need all hydraulic modeling completed and 65% design engineering done in order to make a preliminary recommendation.

My question, for your NEPA public disclosure needs, do you need that same level of detail to be in the public draft EIS, or is a lesser amount sufficient for the NEPA document to remain adoptable by the Corps for 408 NEPA needs without recirculating a draft?

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